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**STACEY
PLASKETT
FOR CONGRESS**



OFFICE OF GENERAL
COUNSEL

July 21, 2014

Office of General Counsel
ATTENTION: Daniel J. Petalas
Associate General Counsel for Enforcement
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

SENSITIVE

MUR # 6858

RE: Complaint against Respondents, Malone People Action Committee-
Delegate (the "Malone Campaign") and/or Shawn Michael Malone

TO THE FEDERAL ELECTION COMMISSION:

Pursuant to 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4, Virgin Islands for Plaskett (the "Stacey Plaskett Campaign") files this complaint against the Malone Campaign and/or Shawn Michael Malone (collectively, "Respondents"). In support of its complaint, Complainant states as follows:

1. Respondent Malone Campaign is the funding entity responsible for the campaign of Shawn Michael Malone to be the Delegate to Congress from the Territory of the United States Virgin Islands.
2. On or about December 29, 2013, Jonathan Buckney-Small, husband of Stacey Plaskett, while on the island of St. Croix in the Territory of the United States Virgin Islands, witnessed inmates from the Golden Grove Correctional Facility wearing orange prison uniforms, accompanied by Marcellino Ventura, known to be the St. Croix campaign manager for Respondent Malone Campaign, working to set up a tent for the Malone Campaign. Mr. Buckney Small witnessed inmates erecting a tent upon which Marcellino Ventura and another individual later hung a Malone Campaign banner which contained a picture of Shawn Michael Malone.

From Mr. Buckney-Small's vantage point, Marcellino Ventura clearly appeared to be directing the inmates' activity. Attached as Exhibit A is the Affidavit of Jonathan Buckney-Small with pictures of such activities averring to the foregoing partially described occurrences.

3. Respondent Shawn Michael Malone currently serves as President of the 30th Legislature of the Virgin Islands (the "Senate"). Respondent Shawn Michael Malone, in his capacity as Senate President, has caused the Senate to expend resources in support of Respondent Malone Campaign, including the following:

3.1. Upon information and belief, investigation will show that Respondent Shawn Michael Malone grossly increased the size of his St. Croix office in support of Respondent Malone Campaign and has used his Senate staffers in support of the Malone Campaign. Upon information and belief, Respondent Shawn Michael Malone has increased the size of his personal staff by at least five (5) employees (not including a significant increase in independent contractors) since the beginning of 2014 with no attendant increase in output.

3.2. Long before Respondent Shawn Michael Malone purported to "officially" announce his candidacy for Delegate to Congress, Respondent Shawn Michael Malone wore a "Malone For Congress" campaign t-shirt to speak in his official capacity as Senate President at the annual celebration of D. Hamilton Jackson Day on November 1, 2013 in Estate Grove on the island of St. Croix. This event was televised. By wearing a "Malone for Congress" t-shirt while speaking in his official capacity as Senate President, Respondent Shawn Michael Malone used official resources of the Senate to advertise for Respondent Malone Campaign.

3.3. Upon information and belief, investigation will show that Respondent Shawn Michael Malone has caused at least one Senate staffer to be fired in retaliation for the

staffer's support of the Stacey Plaskett Campaign, as indicated by a bumper sticker on the staffer's car.

3.4. Upon information and belief, investigation will show that other members of the Senate's central staff have been intimidated and retaliated against for failing to support Respondent Malone Campaign. Upon information and belief, such retaliation and intimidation has included, but not been limited to, withholding previously promised salary increases because of Senate staffers' support of the Stacey Plaskett Campaign.

3.5. Unlike in previous years, the Senate has not had a summer internship program in 2014, purportedly because of increased usage of "contractors." Upon information and belief, the "contractors" hired by the Senate, at the direction of Respondent Shawn Michael Malone, have been used primarily in support of Respondent Malone Campaign.

4. Upon information and belief, having seen first-hand the result of expenditures either by or on behalf of Respondent Malone Campaign, it is impossible that Respondent Malone Campaign's only receipts and expenditures are as stated on Respondent Malone Campaign's report of contributions received through March 31, 2014. Among other things, disbursements from Respondent Malone Campaign's treasury were necessary to effect, among many others, the following activities and events:

4.1. Workers for Respondent Malone Campaign wore t-shirts, flew a banner and gave away toys during the November 1, 2013 celebration of D. Hamilton Jackson Day on the island of St. Croix.

4.2. In December 2013 and January 2014 during the St. Croix Crucian Christmas Festival/Carnival, Respondent Malone Campaign distributed more than 500 towels during several activities festival/carnival activities.

4.3. In or about the second weekend of February 2014, during the St. Croix Agricultural Fair, several workers for Respondent Malone Campaign and Respondent Shawn Michael Malone wore campaign t-shirts and carried t-shirts slung over their shoulders to distribute to individuals on the fair grounds.

4.4. Respondent Malone Campaign used paid advertising to announce a February 5, 2014 meeting of Respondent Malone Campaign.

4.5. On February 10-14, 2013. Respondent Malone Campaign advertised on several radio stations for several days, describing and announcing Respondent Malone Campaign Activities. Events sponsored by Respondent Malone Campaign during this time period included food, space rental, entertainment, banners, travel, t-shirts, radio advertising, give-aways including rally towels.

5. Upon information and belief, as of the date hereof, Respondent Malone Campaign has not properly accounted for its receipts and disbursements.

6. Although perhaps not expressly denoted as a prohibited source in applicable federal election statutes and FEC regulations, Complainant submits that the Legislature of the Virgin Islands is a prohibited source of federal campaign contributions.

7. Pursuant to 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. § 300.61:

No [candidate for federal office] shall solicit, receive, direct, transfer, spend, or disburse funds in connection with an election for Federal office, including funds for any Federal election activity as defined in 11 CFR 100.24, unless the amounts consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the [Federal Election Campaign Act of 1971].

See 11 C.F.R. § 300.61.

8. Respondent Shawn Michael Malone's use of (i) prison labor¹ and resources of the Virgin Islands Bureau of Corrections and (ii) Senate resources, all in support of Respondent Malone Campaign, constitutes a violation of 11 C.F.R. § 300.61 because such contributions do not constitute "Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the [Federal Election Campaign Act of 1971]" as such terms are defined in relevant regulations.

9. Respondent Malone Campaign's use of prison labor and resources of the Virgin Islands Bureau of Corrections in support of Respondent Malone Campaign constitutes a violation of 11 C.F.R. § 300.61.

10. Respondent Shawn Michael Malone's use of Senate resources in support of Respondent Malone Campaign constitutes a violation of 11 C.F.R. § 300.61.


11. Respondent Malone Campaign's failure to fully and accurately account for its receipts and disbursements for and on behalf of the Respondent Malone Campaign constitutes a violation of, among other things, the reporting requirements of Part 110 of the Federal Elections regulations codified in Title 11 of the Code of Federal Regulations.

12. Upon information and belief, and based upon the facts set forth above, Respondent Shawn Michael Malone and/or Respondent Malone Campaign, individually and collectively, violated the Federal Election Campaign Act of 1971, as amended, and must be held accountable and liable for their unlawful actions.

¹ Shawn Michael Malone's use of prison labor in support of the Malone Campaign may also constitute a violation of the Thirteenth Amendment to the United States Constitution.

WHEREFORE, the Stacey Plaskett Campaign respectfully requests that the Federal Election Commission fully investigate the activities of Respondent Malone Campaign and Respondent Shawn Michael Malone, to include the above-described events, and issue appropriate sanctions and penalties as provided for under federal election law and regulation.

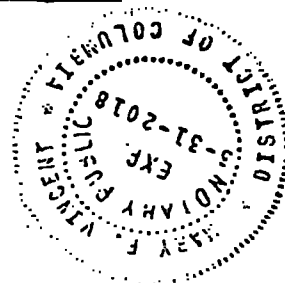
Respectfully submitted,

By: 
Delmi Garcia,
President, Virgin Islands for Plaskett
Post Office Box 26502
Christiansted, Virgin Islands
plaskettforcongress@gmail.com

The foregoing Complaint was sworn to and subscribed before me this 21 day of July, 2014.

Mary F. Vincent
Notary Public
Print Name: MARY F. VINCENT
License No.
My Commission Expires: 03-31-2018

MARY F. VINCENT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires March 31, 2018



FOUNTAIN

SS.

6. I observed Marcellino Ventura and another individual then put up a banner with the heading "Malone for Congress," which contains a picture of Shawn Michael Malone, on the same tent that was erected by the prison inmates.

7. I walked toward the inmates and the Malone for Congress tent as they completed the covering placement.

8. I then took pictures with my telephone, attached hereto as Exhibit A

9. As another vehicle came into the parking area, Ventura observed me and pointed in my direction while I took pictures, spoke with the other individual and directed the inmates to stop work and move behind the vehicles.

10. The inmates shown in between the cars in the attached pictures are the same inmates that Marcellino Ventura instructed to erect the Malone for Congress tent.

11. There were four (4) prison inmates at the scene, all of which worked to erect the Malone for Congress tent shown in the attached pictures.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: 7/21/14 By: [Signature]
Jonathan Buckney-Small

The foregoing Affidavit was sworn to and subscribed before me this ____ day of July by Jonathan Buckney-Small, who is personally known to me.

[Signature]
Notary Public

Print Name: _____

License No. _____

My Commission Expires: _____

VILMA ALONSO
NOTARY PUBLIC, ST. CROIX, VI. U.S.A.
MY COMM. #NP-83-13
EXPIRES SEPTEMBER 18, 2017





Exhibit
A



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18044445227



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